

COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO
CIVIL DIVISION

N [REDACTED] B [REDACTED], a Minor, By her Parents,
Natural Guardians, and Next Friends
DWAN BRAY and AARON BRAY

Plaintiffs,

v.

BON SECOURS MERCY HEALTH, INC., *et al.*

Defendants.

CASE NO.: _____

JUDGE: _____

AFFIDAVIT OF MERIT OF
MARC H. INCERPI, M.D.
CIVIL RULE 10(D)(2)

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.

COMES NOW, Affiant Marc H. Incerpi, M.D., first being duly sworn, deposes and states
as follows:

1. I submit this Affidavit of Merit in accordance with Civ. R. 10(D)(2)(a) of the Ohio Rules of Civil Procedure.
2. I am a medical doctor licensed to practice medicine by the State of California and am in good standing with the State of California's Medical Board.
3. I am board-certified through the American Board of Obstetrics and Gynecology in the fields of Obstetrics & Gynecology with additional sub-specialty certification in Maternal-Fetal Medicine.
4. I am a qualified expert as set forth in Ohio Rules of Evidence 601(D) and 702.
5. I devote at least 75% of my professional time to active clinical practice in my fields of licensure or to its instruction in an accredited university.

6. I have reviewed the medical records reasonably available to the Plaintiffs, including The Christ Hospital Physicians – Obstetrics and Gynecology, Brown County Women’s Health, LLC, Women’s Wisdom, Mercy Health – Anderson Hospital, and Cincinnati Children’s Hospital concerning the prenatal and labor and delivery care and treatment of Dwan Bray and the birth of N [REDACTED] B [REDACTED], which give rise to Plaintiffs’ allegations contained in their Complaint.
7. Based upon my knowledge, training, education, and experience as a board-certified Obstetrician & Gynecologist with sub-board certification in Maternal-Fetal Medicine, I am familiar with the hospital, medical, and nursing standards of care applicable to this case.
8. Based on my knowledge, training, education, and experience, coupled with my review of the available medical records, it is my opinion to a reasonable degree of medical probability and/or certainty that the Defendants, Bon Secours Mercy Health, Inc., Mercy Health – Anderson Hospital, LLC, Brown County Women’s Health, LLC, Brown County Women’s Health, Inc., Barbara Patridge, M.D., Timothy Thress, M.D., and Lisa Toft, R.N. breached the applicable standards of care in rendering hospital, medical, and nursing care and treatment to Dwan Bray and her fetus N [REDACTED] B [REDACTED]. It is also my opinion to a reasonable degree of medical probability and/or certainty that the Defendants’ individual and collective breaches of the applicable standards of care were a direct and proximate cause of N [REDACTED] B [REDACTED]’s permanent neurological injuries and damages.

FURTHER YOUR AFFIANT SAYETH NOT.


MARC H. INCERPI, M.D.

STATE OF Virginia)
)
COUNTY OF Petersburg) City ss.

SWORN TO and subscribed before me this 21st day of April, 2020.
Marc H Incerpi



Lora A. Jarrett

NOTARY PUBLIC

My commission expires: 09/30/2021

Notarized online using audio-video communication